

1 KEVIN RYAN (CSBN 118321)
United States Attorney

2 EUMI L. CHOI (WVSBN 0722)
3 Chief, Criminal Division

4 ROBERT D. REES (CSBN 229441)
Assistant United States Attorney

5 MICHAEL A. CAVES
6 Law Clerk

7 450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
8 Telephone: (415) 436-7112
Fax: (415) 436-7234
9 Email: Michael.Caves@usdoj.gov

10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15
16 UNITED STATES OF AMERICA,

17
18 Plaintiff,

19 v.

20 MICHAEL BOYD,

21 Defendant.
22

CR No.: 05-00236 MAG

23 STIPULATION AND [PROPOSED]
24 ORDER EXCLUDING TIME

25 On July 26, 2005, the parties in this case appeared before the Court for an initial appearance.
26 At that time, the parties stipulated that time should be excluded from the Speedy Trial Act
27 calculations from July 26, 2005 to September 19, 2005 for continuity of counsel and for effective
28 preparation of defense counsel. Specifically, Mr. Tyler, counsel for Mr. Boyd, requested the
continuance in light of his impending travel outside of the Northern District of California, and in
consideration of Mr. Boyd's work schedule. The parties represented that granting the continuance

1 was the reasonable time necessary for continuity of defense counsel and effective preparation of
 2 defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. §
 3 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a
 4 continuance outweighed the best interests of the public and the defendant in a speedy trial. See
 5 18 U.S.C. § 3161(h)(8)(A).


6 SO STIPULATED:

7 KEVIN V. RYAN
 8 United States Attorney

9 DATED: 9/16/05


 10 ~~ROBERT D. REES~~ ~~THOMAS L. SKOWAN~~
 Assistant United States Attorney

11 DATED: 9/19/05


 12 RONALD C. TYLER
 Attorney for Mr. Boyd

13
 14 As the Court found on July 26, 2005, and for the reasons stated above, the Court finds that an
 15 exclusion of time between July 26, 2005 and September 19, 2005 is warranted and that the ends
 16 of justice served by the continuance outweigh the best interests of the public and the defendant in
 17 a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance
 18 would deny Mr. Boyd continuity of counsel and would deny defense counsel the reasonable time
 19 necessary for effective preparation, taking into account the exercise of due diligence, and would
 20 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

21
 22 SO ORDERED.

23 DATED: 9/19/05


 24 EDWARD M. CHEN
 United States Magistrate Judge